

AMENDED IN ASSEMBLY MAY 2, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 938

Introduced by Assembly Member Charles Calderon

February 22, 2007

An act to add Chapter 24.5 (commencing with Section 15000) to Division 7 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as amended, Charles Calderon. ~~Water districts: urban runoff.~~
Regional water management.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act, and the Porter-Cologne Water Quality Control Act. *Various programs finance regional water management planning.*

~~This bill would authorize a local water district to acquire, construct, operate, maintain, and furnish facilities for the diversion of urban runoff from a drainage course within that district, the treatment of the urban runoff, the return of the water to the drainage course, or the beneficial use of the water. The bill would specify that a local water district may exercise powers granted to that district by existing law to implement this authority~~ *county, or a city under certain circumstances, to convene one or more watershed quality committees to develop and facilitate cooperation in achieving local water quality solutions. If convened, the committee would be required to include one member representing the appropriate regional board. The committee would be authorized to*

prepare a specified work plan, for approval by the regional board under specified circumstances. The committee would be required to use reasonable efforts to prepare, and submit to the regional board for its approval, a watershed management plan within 3 years of the date on which the regional board approves the work plan. The water management plan would be required to address major sources of stormwater, urban runoff, and nonpoint source pollution within the region to which the plan applies.

The bill would authorize a city or county that provides water, sanitation, or refuse collection services to design, acquire, construct, operate, maintain, and furnish facilities for the diversion, interception, or collection of urban runoff, stormwater, other forms of runoff subject to waste discharge requirements, and nonpoint source pollution, the treatment of these waters, the return of these waters to receiving water bodies, or the beneficial use or reuse of these waters. The bill would specify that a city or county may exercise powers granted to that city, county, or special district by existing law to implement this authority.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The people of the State of California have a strong desire to
- 4 have clean beaches, oceans, rivers, and streams.
- 5 (b) Stormwater runoff can adversely affect water quality.
- 6 (c) The development of comprehensive, effective, adequately
- 7 funded, and appropriately maintained stormwater quality
- 8 management systems would enhance water quality outcomes, while
- 9 also providing a mechanism for long-term management.
- 10 (d) Municipal stormwater permits and the imposition of total
- 11 maximum daily load restrictions are placing an increasing burden
- 12 on cities, counties, and private and public entities to solve complex
- 13 and costly water quality problems.
- 14 (e) Partnerships among cities and counties with appropriate
- 15 water agencies and other special districts that are willing to provide
- 16 comprehensive stormwater management service will benefit the
- 17 environment, property owners, and local governments, and could
- 18 yield water supply benefits.

(f) Existing law authorizes certain entities to construct and operate stormwater management facilities. Broadening this authority to apply to all appropriate water districts will provide an opportunity for the development of effective and beneficial partnerships to more effectively treat stormwater in various watersheds throughout the state, thereby improving water quality.

SEC. 2. Chapter 24.5 (commencing with Section 15000) is added to Division 7 of the Water Code, to read:

CHAPTER 24.5. REGIONAL WATER MANAGEMENT

Article 1. Watershed Quality Committees

15000. (a) Each county may convene one or more watershed quality committees for the purpose of developing and facilitating cooperation in achieving local water quality solutions. Each county may establish subcommittees or separate committees for each watershed, or portion thereof, within its jurisdiction. If a county declines to convene a committee or subcommittee for a particular watershed, any city or cities, the boundaries of which encompass a substantial portion of that watershed, may convene one or more committees for that watershed.

(b) For the purpose of convening a committee, each county or city shall consult with any existing regional water management group, as defined in Section 10537, to determine whether the regional water management group, or any of its members, desires to be part of the committee.

(c) Each committee shall consist of at least one member representing the appropriate regional board, as well as other interested parties, including members from resource agencies, water and sanitation districts, the environmental community, land owners, industry, and agriculture.

(d) Committee members shall not be entitled to any compensation for their service on the committee.

(e) Public officers associated with any area of government, including planning or water, and whether elected or appointed, may be appointed to, and may serve as members of, a committee.

1 Article 2. Watershed Management Plans

2
3 15001. (a) Each committee may prepare a work plan providing
4 a detailed description of the tasks and activities it will undertake,
5 and the work product that it anticipates will be the result of its
6 efforts, including a preliminary characterization of the nature of
7 water quality solutions it will evaluate for purposes of meeting
8 regulatory requirements associated with urban runoff, stormwater,
9 and nonpoint source pollution, including, but not limited to,
10 requirements relating to municipal stormwater permits and total
11 maximum daily loads established pursuant to Section 303(d) of
12 the Clean Water Act (33 U.S.C. Sec. 1313(d)), and a proposed
13 schedule for its activities.

14 (b) If the committee determines that the watershed management
15 plan will be the mechanism for complying with one or more
16 regulatory requirements imposed by a regional board, the work
17 plan shall not be implemented unless approved by the regional
18 board with jurisdiction over the watershed or watersheds that are
19 the subject of the work plan. The regional board may approve the
20 work plan or return the work plan to the committee for additional
21 consideration and resubmission to the regional board.

22 15002. Each committee shall use reasonable efforts to prepare
23 and submit to the regional board a watershed management plan
24 within three years of the date on which the regional board approves
25 the work plan. A committee may update periodically its watershed
26 management plan and may submit any revised or new plan to the
27 regional board.

28 15003. Each watershed management plan shall address major
29 sources of stormwater, urban runoff, and nonpoint source pollution
30 within the region to which the plan applies and shall include a
31 coordinated economic analysis and financing plan to implement
32 the watershed plan.

33
34 Article 3. Stormwater Management

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36 15005. (a) (1) A city or county that provides water, sanitation,
37 or refuse collection services may design, acquire, construct,
38 operate, maintain, and furnish facilities for the diversion,
39 interception, or collection of urban runoff, stormwater, other forms
40 of runoff subject to waste discharge requirements, and nonpoint

1 *source pollution, the treatment of these waters, the return of these*
2 *waters to receiving water bodies, or the beneficial use or reuse of*
3 *these waters.*

4 *(2) In order to carry out the powers granted under this section,*
5 *a city or county may exercise any of the powers otherwise granted*
6 *to that city or county by law to the extent those powers may be*
7 *made applicable.*

8 *(3) This chapter does not affect any obligation of a city or county*
9 *to obtain a permit that may be required by law for the activities*
10 *undertaken pursuant to this chapter.*

11 *(b) A special district that provides water, sanitation, or refuse*
12 *collection services may request from the Legislature to be*
13 *authorized by statute to perform any of the actions authorized for*
14 *cities and counties under subdivision (a), if it does not already*
15 *have the statutory authority to perform these actions. When*
16 *requesting authorization, a special district may provide information*
17 *to the Legislature indicating that the special district has the*
18 *expertise and knowledge to perform the activities referenced under*
19 *subdivision (a) and that there is a need in its jurisdiction for the*
20 *special district to provide these services.*

21 ~~SEC. 2. Chapter 24.5 (commencing with Section 15000) is~~
22 ~~added to Division 7 of the Water Code, to read:~~

23
24 ~~CHAPTER 24.5. URBAN RUNOFF~~
25

26 ~~15000. A local water district may acquire, construct, operate,~~
27 ~~maintain, and furnish facilities for the diversion of urban runoff~~
28 ~~from a drainage course within the district, the treatment of the~~
29 ~~urban runoff, the return of the water to the drainage course, or the~~
30 ~~beneficial use of the water.~~

31 ~~15001. In order to carry out the powers and purposes granted~~
32 ~~under this chapter, a local water district may exercise any of the~~
33 ~~powers otherwise granted to that district by law to the extent those~~
34 ~~powers may be made applicable.~~

35 ~~15002. This chapter does not affect any obligation of a local~~
36 ~~water district to obtain a permit that may be required by law for~~
37 ~~the activities undertaken pursuant to this chapter.~~